

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

HOTEL MANAGEMENT ADVISORS TROY,  
LLC D/B/A METROPOLITAN HOTEL  
DETROIT-TROY

Case 07-CA-076369

and

LOCAL 324, INTERNATIONAL UNION OF  
OPERATING ENGINEERS (IUOE), AFL-CIO

**AMENDED ORDER**

On April 3, 2013, Administrative Law Judge Ira Sandron of the National Labor Relations Board issued his Recommended Order in the above-entitled proceeding and, on the same date, the proceeding was transferred to and continued before the Board in Washington, D.C. The Respondent admitted that it had engaged in certain unfair labor practices, and the judge recommended that the Respondent take specific action to remedy such unfair labor practices.

The parties waived appeal. Accordingly,

Pursuant to Section 10(c) of the National Labor Relations Act, as amended, and Section 102.48 of the National Labor Relations Board Rules and Regulations, the Board adopts the Administrative Law Judge's recommended Order,<sup>1</sup> and orders that the Respondent, Hotel Management Advisors Troy LLC d/b/a Metropolitan Hotel Detroit-Troy, its officers, agents, successors, and assigns, shall:

1. Cease and desist from:

- (a) refusing to honor Roberts' request to revoke his dues authorization, interfering with, restraining or coercing Roberts in the exercise of his right to engage in protected concerted and union activities or in any like or related manner discriminating in regard to the hire or tenure or terms or conditions of employment of employees, thereby discouraging membership in a labor organization.
- (b) repudiating the collective bargaining agreement by, among other things, failing

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<sup>1</sup> Judge Sandron's April 3, 2013 recommended Order incorporated by reference his March 5, 2013 Order.

to continue in effect all the terms and conditions of employment by failing to respond to grievances, failing to remit deducted union dues, and failing to pay into the following union fringe benefit funds: education, pension, and short-term disability or in any like or related manner failing or refusing to bargain collectively and in good faith with the Charging Union as the exclusive representative of the Unit.

2. Take the following affirmative action:

- (a) Upon request, meet and bargain collectively and in good faith with the Charging Union as the exclusive collective-bargaining representative of the Unit.
- (b) Make employees whole, with interest, for any and all losses of wages and benefits suffered since September 7, 2011, as a result of the Respondent's repudiation of, and refusal to adhere to, the collective-bargaining agreement reached with the Union, including any out-of-pocket expenses incurred as a result of the repudiation.
- (c) Abide by the current collective-bargaining agreement and restore fringe benefit contributions and other working conditions for unit employees and make unit employees whole for losses in pay or benefits, including payments to various fringe benefit funds, with interest computed in accordance with Board policy.
- (d) Reimburse the Union for any dues that were withheld but not remitted to the Union since December 3, 2010.
- (e) Within 14 days after service by the Region, post at its facility in Troy, Michigan copies of the attached "Notice to Employees." Copies of the notice, on forms provided by the Regional Director for Region 7, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places including all places where notices to employees are customarily posted. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since September 7, 2011.
- (f) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., February 8, 2016.

By direction of the Board:

Farah Z. Qureshi

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Associate Executive Secretary

# **NOTICE TO EMPLOYEES**

POSTED PURSUANT TO A FINAL ORDER OF AN ADMINISTRATIVE LAW  
JUDGE OF THE NATIONAL LABOR RELATIONS BOARD  
An Agency of the United States Government

## **FEDERAL LAW GIVES YOU THE RIGHT TO**

Form, join, or assist a union

Choose representatives to bargain with us on your behalf

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities.

**WE WILL NOT** do anything to prevent you from exercising the above rights.

Local 324, International Union of Operating Engineers, AFL-CIO (Union) is the employees' representative in dealing with us regarding wages, hours and other working conditions of our skilled and general maintenance and utility employees (the Unit).

**WE WILL NOT** continue to deduct dues from employees' wages after they have directed us to no longer do so, because of their union membership or support.

**WE WILL NOT** withhold union dues from employees' wages and fail to remit them to the Union.

**WE WILL NOT** repudiate or refuse to adhere to the collective-bargaining agreement that we entered into with the Union.

**WE WILL NOT** in any like or related manner interfere with your rights under Section 7 of the Act.

**WE WILL NOT** in any like or related manner discriminate in regard to the hire or tenure or any other terms or conditions of employment of our employees in order to discourage support of or membership in the Union, or any other labor organization.

**WE WILL NOT** in any like or related manner fail or refuse to bargain collectively and in good faith with the Union as the designated exclusive collective bargaining representative of the Unit with respect to wages, hours and terms and conditions of employment.

**WE WILL** make you whole, with interest, for any and all losses of wages and benefits suffered since September 7, 2011, as a result of our repudiation of, and

refusal to adhere to, the collective-bargaining agreement reached with the Union, including any out-of-pocket expenses incurred as a result of our repudiation.

**WE WILL** abide by the current collective bargaining agreement and restore fringe benefit contributions and other working conditions for the Unit and make Unit employees whole for losses in pay or benefits, including payments to the various fringe benefit funds, with interest computed in accordance with Board policy.

**WE WILL** reimburse the Union, for any dues that were withheld but not remitted to the Union since December 3, 2010.

HOTEL MANAGEMENT ADVISORS TROY, LLC  
D/B/A METROPOLITAN HOTEL DETROIT - TROY

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(Employer)

Dated: \_\_\_\_\_ By: \_\_\_\_\_  
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: [www.nlr.gov](http://www.nlr.gov).

477 Michigan Avenue, Room 300, Detroit, MI 48226-2543  
(313) 226-3200, Hours: 8:15 a.m. to 4:45 p.m.

**THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE.**

THIS NOTICE MUST REMAIN POSTED FOR 60 CONSECUTIVE DAYS FROM THE DATE OF POSTING AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL. ANY QUESTIONS CONCERNING THIS NOTICE OR COMPLIANCE WITH ITS PROVISIONS MAY BE DIRECTED TO THE ABOVE REGIONAL OFFICE'S COMPLIANCE OFFICER, MARK BAINES AT (313) 226-3244.